

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

PLANNED PARENTHOOD OF	)	Case No. 1:16-cv-539
GREATER OHIO, et al.,	)	
	)	Judge
Plaintiffs,	)	Michael R. Barrett
	)	
vs.	)	
	)	
RICHARD HODGES, et al.,	)	
	)	
Defendants.	)	

- - -

Deposition of STANLEY K. HENSHAW, Ph.D.,  
taken on behalf of the Defendants, pursuant to the  
stipulations agreed to herein, before Sarah A.  
Bowers, Notary Public, at K&L Gates, LLP, 4350  
Lassiter at North Hills Avenue, Suite 300, Raleigh,  
North Carolina, on the 13th of July, 2016,  
commencing at 9:29 a.m.

Reported By: Sarah A. Bowers

Job No: 110133

STANLEY K. HENSHAW, Ph.D.  
APPEARANCE OF COUNSEL:

On Behalf of the Plaintiffs:

Kimberly Parker, Esq.  
WilmerHale  
1875 Pennsylvania Avenue Northwest  
Washington, DC 20006

On Behalf of the Defendants,  
Via Teleconference:

Ryan Richardson, Esq.  
Ohio Attorney General's Office  
30 East Broad Street  
Columbus, OH 43215

Also present: Anya Olsen  
Jennifer Brandon, Esq.  
(Video conference)  
Stephanie Simon  
(Video conference)

STANLEY K. HENSHAW, Ph.D.  
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THE WITNESS: STANLEY K. HENSHAW, Ph.D.

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STANLEY K. HENSHAW, Ph.D.

Whereupon,

STANLEY K. HENSHAW, Ph.D.,  
having been first duly sworn,  
was examined and testified  
as follows:

(HENSHAW EXHIBIT NUMBER 1  
MARKED FOR IDENTIFICATION)

EXAMINATION BY MS. RICHARDSON:

Q Good morning, Dr. Henshaw.

A Good morning.

Q We met via video just a moment ago. But for  
the record again, my name is Ryan Richardson,  
And I'm an attorney at the Ohio Attorney  
General's office. I'm here today in this case  
representing the defendant, the Ohio  
Department of Health.

Dr. Henshaw, I know that you have been  
deposed many times before today, but I'll take  
just a moment to remind you of a few of the  
basic ground rules. As you know, I'll be  
asking you questions today and the court  
reporter will be taking down my questions and

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your answers. So it's very important that we  
answer and speak audibly and without reference  
to any visual gestures or face nodding.

It's also important that we not speak at  
the same time. And that's going to be  
particularly important today because we're on  
video, and so there may be a little bit of a  
delay. So I will be careful to make sure to  
wait until you have answered the question  
before I ask my next question, and if you can  
also be careful to wait until I finish my  
question to give me an answer.

If at any point in time you do not  
understand a question that I have asked, just  
let me know and I'll be happy to rephrase. If  
you do answer the question I have asked, I  
will assume that you understood it. Is that  
fair?

A That's fine.

Q I don't expect that we will be very long  
today, but if you need a break at any point in  
time, just let me know. All that I would ask  
is that you wait until you have answered the  
question that is pending before we take a

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1 STANLEY K. HENSHAW, Ph.D.  
2 break.  
3 A Fine.  
4 Q Are you under -- thank you.  
5 Are you taking any medications or is there  
6 any other reason today which you wouldn't be  
7 able to answer my questions completely and  
8 truthfully?  
9 A No, there isn't.  
10 Q Any other questions before we get started?  
11 A No.  
12 Q So I'd like to begin just by talking a little  
13 bit about your background. And I know it's  
14 extensive so we won't go through it in detail  
15 today. I will ask you to refer --  
16 I understand that you have in front of you  
17 what's already been marked as Henshaw Exhibit  
18 1, is that correct?  
19 A That is correct.  
20 Q And is that a copy of your expert report that  
21 was submitted in this case?  
22 A Yes, it is.  
23 Q And attached to that expert report, is there a  
24 copy of your CV?  
25 A Yes, there is.

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1 STANLEY K. HENSHAW, Ph.D.  
2 research proposals for nonprofit  
3 organizations. One is the Society of Family  
4 Planning. The other is a unit of the  
5 University of California in San Francisco.  
6 Q And are there any other nonprofit  
7 organizations that you work with routinely in  
8 that role?  
9 A No.  
10 Q What types of research proposals do you  
11 review?  
12 A This is research about contraception and  
13 abortion services, primarily.  
14 Q And what specifically is your role with  
15 respect to the research proposals that they  
16 submit?  
17 A These two organizations both send the  
18 proposals to outside reviewers who then  
19 suggest improvements and approve or do not  
20 approve the proposal which is then funded by  
21 the organizations if it's approved.  
22 Q So would this be similar to like essentially  
23 grant proposals to fund research, is that  
24 accurate?  
25 A Yes.

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1 STANLEY K. HENSHAW, Ph.D.  
2 Q And so I'll direct your attention then to the  
3 CV in front of you. And I would just ask, is  
4 this a current copy of your CV?  
5 A This is a current copy, yes.  
6 Q And it looks like, up in the corner, there is  
7 a what I assume is a date. It says, "1/16."  
8 A Yes. That's when it was last updated.  
9 Q So it was updated in January of this year?  
10 A Yes.  
11 Q And since January of this year, have there  
12 been any updates or changes to anything that's  
13 included in your CV?  
14 A No.  
15 Q And so, I'd like to ask you then about your  
16 current position. It says that from 2000 to  
17 currently, you have been a "consultant for  
18 various nonprofit organizations on research  
19 concerning fertility, control services and  
20 behavior." Did I read that correctly?  
21 A Yes.  
22 Q And can you just describe for me a little bit  
23 of what that means. What is your current  
24 professional focus?  
25 A Currently, my professional work is reviewing

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1 STANLEY K. HENSHAW, Ph.D.  
2 Q And so, do you help them in the process of  
3 creating the research proposals that then they  
4 submit?  
5 A Not creating. The reviewers often have a lot  
6 of ideas about how the proposal could be  
7 improved. Or if it's not a good proposal,  
8 suggestions for other kinds of research the  
9 applicant could do, in the case of one of the  
10 organizations.  
11 Q And are you one of the reviewers then that  
12 will ultimately determine whether they get  
13 funding, or do you assist the organizations in  
14 preparing or responding to edits from the  
15 reviewers?  
16 A Well, the reviewers make recommendations and  
17 the organizations make the final decision  
18 about what to fund.  
19 Q And which organizations are the funding  
20 organizations?  
21 A As I said, those two organizations that I  
22 review for, the unit of University of  
23 California, San Francisco and the Society of  
24 Family Planning.  
25 Q Okay. So I think I was confused. I think I

3 (Pages 6 to 9)

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understand now. But the two organizations that you consult with are the organizations that provide funding, they are reviewing research proposals that have been submitted to them for funding and you assist the reviewers; is that correct?

A That is correct.

Q Thank you.

Thank you for bearing with me there. I appreciate it. And so, I would like to talk about specifically the work that you have done in connection with this case.

When were you retained as an expert in connection with this case?

A I'm not good at remembering dates. It was earlier this year.

Q And feel free to just give me a ballpark estimate, a general month or even season.

A Well, my first actual work on it was just before the report was dated, and the date of the report is June 21st. So it would have been in the month or two before June 21st when I actually did any work on it. And I don't think I knew about the case too long before

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that.

Q So would it have been January, February that you were retained or would it have been later than that?

A Well, as I say, I don't always remember these things, but as I recall, it was later than that.

Q So sometime within the last several months?

A Yes.

Q And who contacted you about becoming involved in this case?

A I think it was Planned Parenthood attorneys.

Q Who was it -- sorry. Go ahead.

A I'm sorry. I don't remember which one it was.

Q Do you know whether these were attorneys for one of the two or both of the two plaintiffs in this case, which are Planned Parenthood of Greater Ohio and Planned Parenthood of Southwest Ohio?

A No. The people who contacted me were attorneys for the Planned Parenthood Federation of America.

Q And if I refer to that today as PPFA, would we both understand we're talking about Planned

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Parenthood Federation of America?

A Yes.

Q So counsel for PPFA contacted you to ask you to become involved as an expert in this case?

A That is correct.

Q And what specifically were you asked to do in connection with this case?

A Well, I was asked to produce the expert report. I have done this before, so I knew what was expected.

Q And you -- when you say you have done this before, what do you mean?

A I did similar work in cases in Alabama and Wisconsin.

Q And did Planned Parenthood Federation of America ask you to do any specific analyses or studies unique to this litigation?

A No.

Q What did -- what did counsel for -- well, let me ask this a different way.

At the time that you agreed to become involved in this case, what did you understand this case to involve?

A The case was explained to me, was the Ohio

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statute that would cut off Medicaid or state support to any organization that provides or promotes abortions. This would include Planned Parenthood, so that Planned Parenthood would then have the choice of giving up its abortion work or giving up any financial support from the State of Ohio.

Q And did you at any point in time review the statute that's being challenged in this case?

A No, I didn't.

Q Sitting here today, have you at any point in time reviewed the statute that's being challenged in this case?

A No, I haven't reviewed the statute.

Q So is it fair to say then that you don't have a sense sitting here today of how that particular statute might compare or contrast to statutes that may have been involved in your previous cases where you have served as an expert?

A Well, it's a -- just from the face of it, as I described it, it's different from the statutes in the other cases where I was an expert.

Q How so?

4 (Pages 10 to 13)

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A This statute gives the plaintiff the option of giving up their abortion services or giving up state support. The other statutes had to do with requiring abortion providers to have hospital privileges in the local area where the services were provided. And I think there was some other provisions in those other cases, the statutes in those other states.

Q And so, have you done any analysis of how those differences in the statutes might impact your opinions and analyses reflected in your expert report?

A No.

Q And so, I would like to refer you to your expert report. And we're just going to spend a little time going through some of the items in here. I would direct you first to the Paragraph 1 on Page 1 of what's been marked as Exhibit 1. And I would just ask you generally if you could help me understand.

It states here that you are -- you consult on matters related to reproductive epidemiology; is that correct?

A That is correct.

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Q Can you just help me understand a little bit about what reproductive epidemiology consists of?

A I think it's easiest if I describe some of the work that I have done. I have done work on abortion rates and differences between different areas in abortion rates, trends in abortion rates, teenage pregnancy, rates of sexual activity among teenagers. Some of the work has been comparing the U.S. to other countries.

I have done work, also, on factors that influence the provision of abortion services and, also, on the kinds of women who have unintended pregnancies and opt to have abortions.

I also did an important paper on rates of unintended pregnancy describing the kinds of characteristics that are associated with higher or lower rates of unintended pregnancy.

Q And has any of your -- any of the work that you have just described or any other work focused specifically on the State of Ohio?

A No.

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Q And I believe you already testified you did not do any analyses or studies specific to this litigation; correct?

A That is correct. The only thing I did was check the distances from Cincinnati and Columbus to other cities where abortion services are available.

Q And so, I'm sorry. You checked the distances from abortion facilities to where? I apologize. I didn't catch the end of your answer.

A To other cities where there are also abortion services.

Q So you said you checked the distances between abortion facilities and other cities, is that -- did I understand that correctly?

A The distances from Cincinnati and Columbus to other cities with facilities.

Q And how did you determine which cities have facilities?

A For the most part, I have known it from my experience working with abortion services, but this was confirmed by the attorneys who told me where services were available.

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Q So the attorneys provided you with a list of facilities that provide abortion services in the State of Ohio; is that correct?

A Well, more the cities where the services were available. I don't think I know the names of the facilities, but I know that Columbus has, what, two facilities, one of which is Planned Parenthood.

Q And did you do any independent research to determine the location of other facilities that provide abortion services in or near Ohio?

A No, I didn't.

Q Is it your understanding that counsel just provided then a list of facilities in particular cities rather than a comprehensive list of abortion facilities in the State of Ohio?

A That is correct.

Q And for the cities, I believe you mentioned Columbus and Cincinnati. Were there other cities that counsel included in the list that was provided to you in this case?

A There's a facility in Dayton and facilities in

5 (Pages 14 to 17)



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<p>1 STANLEY K. HENSHAW, Ph.D.  2 Toledo, Cleveland, and Akron area that I know  3 of.  4 Q And you don't know whether there might be  5 facilities that were not included on the list  6 that counsel gave you in connection with this  7 case; correct?  8 A I believe they gave me correct information,  9 but I can't confirm that based on my own  10 individual investigations.  11 Q In other words, you have not independently  12 verified the information that was provided to  13 you by counsel about the number and location  14 of facilities that provide abortions in those  15 cities?  16 A That is correct.  17 Q And so, I would ask you to take a look at  18 paragraph 2, please, of your expert report.  19 A Yes.  20 Q And in the second sentence of that paragraph,  21 it says, "Specifically, the act provides that  22 if any entity in Ohio is to continue receiving  23 government funds under specifically enumerated  24 grant programs, it must cease promoting and  25 providing nontherapeutic abortions or</p>	<p>1 STANLEY K. HENSHAW, Ph.D.  2 affiliating with anyone else who does so."  3 Am I correct in understanding that the  4 purpose of paragraph 2 is to explain your  5 understanding of the law that's being  6 challenged in this case?  7 A That is correct.  8 Q And what do you base that understanding of the  9 law on?  10 A That is what I was told by the attorneys.  11 Q And for the record, I believe you mentioned  12 earlier that those were the attorneys for PPFA  13 who gave you that distribution of the law that  14 is being challenged here; correct?  15 A I thought their client was actually the  16 Planned Parenthoods in Ohio.  17 Q Thank you for clarifying. So earlier we were  18 talking about attorneys for PPFA who contacted  19 you to ask you to be an expert in this case;  20 is that correct?  21 A That is correct.  22 Q Then at some point in time, did you begin  23 working specifically for counsel for Planned  24 Parenthood of Greater Ohio and Planned  25 Parenthood of Southwest Ohio?</p>
Page 20	Page 21
<p>1 STANLEY K. HENSHAW, Ph.D.  2 A That is correct. As I recall, I had little  3 further contact with the attorneys for PPFA.  4 Q And did the attorneys for -- if we -- let me  5 step back for a movement to shorten things a  6 little bit today. If I refer to Planned  7 Parenthood of Greater Ohio as PPGOH, do we  8 both understand we're referring to that  9 organization?  10 A That would be fine.  11 Q And also, for Planned Parenthood of Southwest  12 Ohio, can we refer to that as PPSWO for  13 purposes of today's deposition?  14 A I'm sorry. PP what?  15 Q PPSWO.  16 A PP what?  17 MS. PARKER: SWO. PPSWO.  18 THE WITNESS: Thank you. I had not heard  19 it pronounced that way before.  20 MS. PARKER: That's what we have been  21 calling it, PPSWO.  22 THE WITNESS: Okay.  23 BY MS. RICHARDSON:  24 Q And so, did counsel for either PPGOH or PPSWO  25 add or change anything about your assignment</p>	<p>1 STANLEY K. HENSHAW, Ph.D.  2 in this case?  3 A I'm not sure I understand the question.  4 Q Sure.  5 A My --  6 Q So go ahead.  7 A My assignment was to discuss with them what  8 kind of statement I could make and work on  9 creating the expert report.  10 Q And was that the same assignment as you had  11 understood it when you spoke originally to the  12 PPFA attorneys?  13 A Yes.  14 Q And did counsel for PPSWO or PPGOH provide any  15 other information about the law that's being  16 challenged in this case apart from what is  17 being described in paragraph 2?  18 A Not that I can think of, no.  19 Q And you haven't done any specific analysis of  20 the impact of the law that's being challenged  21 here Section 3701.034; is that correct?  22 A Well, again, I don't think I understand the  23 question. My report estimates what -- there  24 would be an impact, what the impact would be  25 for women who have to travel additional</p>

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<p>1 STANLEY K. HENSHAW, Ph.D.</p> <p>2 distances. And I believe that applies to</p> <p>3 Ohio.</p> <p>4 Q And so, to follow up on what you just said,</p> <p>5 essentially is it fair to kind of summarize,</p> <p>6 your report essentially estimates the impact</p> <p>7 if the two plaintiffs in this case were to</p> <p>8 stop providing abortion services; is that</p> <p>9 correct?</p> <p>10 A That is correct.</p> <p>11 Q And you don't know whether the law that's</p> <p>12 being challenged in this case would actually</p> <p>13 cause either of these organizations to stop</p> <p>14 providing abortion services, do you?</p> <p>15 A I don't know what decision the organizations</p> <p>16 would make if this law goes into effect.</p> <p>17 Q And I'd like to ask you now about paragraph 3.</p> <p>18 You state there, "I understand that plaintiffs</p> <p>19 Planned Parenthood of Greater Ohio and Planned</p> <p>20 Parenthood Southwest Ohio Region cannot</p> <p>21 continue to provide these non-abortion health</p> <p>22 and education services without the government</p> <p>23 funds they have theretofore received, or in</p> <p>24 some cases would be required to charge</p> <p>25 patients for some of those services." Did I</p>	<p>1 STANLEY K. HENSHAW, Ph.D.</p> <p>2 read that correctly?</p> <p>3 A Yes.</p> <p>4 Q What do you base that understanding on?</p> <p>5 A That information was provided by the</p> <p>6 attorneys, so --</p> <p>7 Q Have you done any independent research with</p> <p>8 respect to what's described here in paragraph</p> <p>9 3?</p> <p>10 A No.</p> <p>11 Q And the last sentence in paragraph 3,</p> <p>12 "Accordingly, if the act goes into effect</p> <p>13 PPGOH and PPSWO will be forced either to</p> <p>14 curtail many of the services that they</p> <p>15 previously provided under these programs, or</p> <p>16 to stop providing nontherapeutic abortions</p> <p>17 entirely at their health centers."</p> <p>18 What do you base that statement on?</p> <p>19 A Well, first, what the attorneys have told me,</p> <p>20 and second, what they have told me about the</p> <p>21 statute in question. From what they told me,</p> <p>22 that's a clear interpretation of the statute.</p> <p>23 Q And again, you have not independently reviewed</p> <p>24 or interpreted the statute that's being</p> <p>25 challenged in this case; correct?</p>
Page 24	Page 25
<p>1 STANLEY K. HENSHAW, Ph.D.</p> <p>2 A Correct.</p> <p>3 Q And then, I'd like to ask you, sort of</p> <p>4 generally, paragraphs 4, 5, 6, 7, and 8</p> <p>5 describe your understanding of various</p> <p>6 distances and the abortion clinics in Ohio and</p> <p>7 surrounding states; is that correct?</p> <p>8 A That is correct.</p> <p>9 Q What do you base the understandings reflected</p> <p>10 in those paragraphs on?</p> <p>11 A Primarily on the attorneys's statement.</p> <p>12 I'm --</p> <p>13 Q Anything -- I'm sorry. Go ahead.</p> <p>14 A I'm from Ohio. I have looked at a map. I</p> <p>15 understand the distances. I know the</p> <p>16 distances here. I have either checked them or</p> <p>17 I know that they are approximately correct.</p> <p>18 And there was nothing in these statements that</p> <p>19 led me to question their accuracy.</p> <p>20 Q And when you refer to distances that you're</p> <p>21 familiar with, are you referring to the</p> <p>22 distances between respective cities within</p> <p>23 Ohio?</p> <p>24 A Yes.</p> <p>25 Q And so, statements about the number of</p>	<p>1 STANLEY K. HENSHAW, Ph.D.</p> <p>2 abortions provided by PPGOH and PPSWO and</p> <p>3 other statements about abortion services in</p> <p>4 Ohio, those came directly from plaintiffs's</p> <p>5 counsel; correct?</p> <p>6 A That is correct.</p> <p>7 Q Was there anything else that you reviewed or</p> <p>8 studied in connection with paragraphs -- I</p> <p>9 believe we said 4 through 8?</p> <p>10 A The only other thing I did was check the</p> <p>11 distance from Columbus to Pittsburgh to see if</p> <p>12 that would be a closer facility, but it isn't,</p> <p>13 so -- otherwise, I did not investigate any of</p> <p>14 those statements.</p> <p>15 Q So otherwise, the representations contained in</p> <p>16 these paragraphs came directly from</p> <p>17 plaintiffs's counsel; correct?</p> <p>18 A Correct.</p> <p>19 Q And then, I'd like to direct your attention</p> <p>20 now to paragraph 10.</p> <p>21 A Yes.</p> <p>22 Q And you refer at the beginning of that</p> <p>23 paragraph to the "relevant demographic and</p> <p>24 epidemiological literature." And then you go</p> <p>25 on to describe what you believe that</p>

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2 literature states, is that a fair summary?

3 A Yes.

4 Q What do you -- what do you include -- sorry.

5 What do you consider to be relevant  
6 demographic and epidemiological literature for  
7 purposes of this report?

8 A The literature that tries to study the  
9 association between abortion rates and the  
10 availability of abortion services. And  
11 specifically in this case, the effect of  
12 distance on abortion rates.

13 Q Thank you. And does any of that literature  
14 focus specifically on the State of Ohio to  
15 your knowledge?

16 A No.

17 Q Same question with respect to your statement a  
18 little bit later in the paragraph, at the top  
19 of Page 5. You begin with, "Based on my  
20 review of the relevant research," what do you  
21 include as relevant research?

22 A Well, I have cited the most relevant studies  
23 that I think are of high quality, but there  
24 are other similar studies that look at the  
25 relation of abortion availability to abortion

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2 rates, so -- and I'm familiar with quite a few  
3 studies that have looked at that relationship.

4 Q And to your knowledge, do any of those studies  
5 focus specifically on the State of Ohio?

6 A No.

7 Q And in the next several paragraphs, you  
8 describe some research related to legislation  
9 in, I believe, Texas, Georgia, Washington.  
10 Any other states that you focus on in these  
11 next several paragraphs?

12 A No, those are the states.

13 Q And then, I'd like to direct your attention to  
14 paragraph 17, please.

15 A Yes.

16 Q And in paragraph 17, you state, "Considering  
17 the results of these studies, I estimate that  
18 in general an additional travel burden of 100  
19 miles will cause 20 to 25 percent of women who  
20 would have otherwise obtained abortions not to  
21 obtain them."

22 Did I read that correctly?

23 A Yes.

24 Q And how did you arrive at that calculation or  
25 that estimate?

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2 A Based on the studies already cited, the study  
3 that had the most specific numbers was the  
4 study in Georgia, which found that about 24 to  
5 25 percent of women did not have abortions  
6 when they had to travel an extra approximately  
7 100 miles. The other studies confirmed those  
8 numbers.

9 The study -- the first study in Texas  
10 cited found a 69 percent decline in the number  
11 of women who were able to access services when  
12 the distance increased to about 250 miles from  
13 about 25 or 30 miles, as I recall. Obviously,  
14 100 miles would not have the same impact as  
15 250 miles, so I wouldn't think the effect of  
16 100 miles would be close to 69 percent.

17 The other study in Texas found that if you  
18 doubled the distance from an abortion service,  
19 the abortion rate declines by 20 to 29 percent  
20 depending on the women's race and ethnicity.  
21 In that case, say the distance went from 50  
22 miles to 100 miles, then there would be,  
23 according to that study, a decline of about 20  
24 to 29 percent in the number of women who were  
25 able to obtain abortions.

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2 And the study in Washington also confirms,  
3 with a slightly different number. And that  
4 study, that was a study that compared rural  
5 counties to urban counties, and found that  
6 over a ten-year period the number of providers  
7 in rural area declined while the number of  
8 providers in urban area stayed the same.

9 And over that period, the abortion rate in  
10 the rural areas declined by 10 percent more  
11 than the abortion rate in the urban areas.  
12 The additional distance women had to travel or  
13 did travel from the rural areas was about 12  
14 miles. So in that case, you could say 12  
15 miles made a difference of 10 percent.

16 I think putting these together, it's  
17 reasonable to estimate that 100 miles would  
18 have an effect of 20 to 25 percent.

19 Q And so, just so I understand essentially then  
20 what you're doing is assuming that the numbers  
21 that applied in the studies in Texas, Georgia  
22 and Washington would apply in the same way in  
23 the State of Ohio, and basing your calculation  
24 on that presumption; is that fair?

25 A They would apply in approximately in the same

8 (Pages 26 to 29)



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<p>1 STANLEY K. HENSHAW, Ph.D.</p> <p>2 way.</p> <p>3 Q And you haven't done any kind of study to</p> <p>4 determine whether they would in fact apply in</p> <p>5 approximately the same way in Ohio; correct?</p> <p>6 A That is correct.</p> <p>7 Q And you haven't done any type of analysis of</p> <p>8 ways that the State of Ohio might differ in</p> <p>9 material respects from the states of Georgia,</p> <p>10 Washington and Texas; correct?</p> <p>11 A Well, just common knowledge. I mean, I'm</p> <p>12 pretty familiar with the state and with the</p> <p>13 country. So then I know there are interstate</p> <p>14 highways in every state. In my experience,</p> <p>15 states don't differ a huge amount in terms of</p> <p>16 transportation or factors that would affect</p> <p>17 whether distance had a big effect or not.</p> <p>18 Q And so, again, this calculation is based on</p> <p>19 three states; correct?</p> <p>20 A Correct.</p> <p>21 Q Texas, Georgia, Washington? I'm sorry. Is</p> <p>22 that correct?</p> <p>23 A I think I know what you said. You broke up a</p> <p>24 little built.</p> <p>25 Q Oh, I'm sorry. I'm happy to rephrase.</p>	<p>1 STANLEY K. HENSHAW, Ph.D.</p> <p>2 Your estimate in paragraph 17 is based on</p> <p>3 your review of studies conducted in three</p> <p>4 states, Texas, Georgia and Washington;</p> <p>5 correct?</p> <p>6 A Correct.</p> <p>7 Q And you have not done an analysis specifically</p> <p>8 of whether any of those three states is</p> <p>9 representative of any other state or the</p> <p>10 United States as a whole; correct?</p> <p>11 A I don't know what you mean by</p> <p>12 "representative." I haven't done any special</p> <p>13 investigations for this purpose, for this</p> <p>14 report. But of course, I think anyone knows</p> <p>15 quite a bit about the country and the</p> <p>16 similarities and differences between states.</p> <p>17 Q And so, certainly then based on common sense,</p> <p>18 a state like Texas might differ in many</p> <p>19 respects from a state like New York; correct?</p> <p>20 A It would be the same in many respects and</p> <p>21 different in many respects. That's a general</p> <p>22 statement.</p> <p>23 Q Right, exactly. So if we wanted to understand</p> <p>24 whether the specific calculations that were</p> <p>25 made as a result of the studies in Washington,</p>
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<p>1 STANLEY K. HENSHAW, Ph.D.</p> <p>2 Texas, and Georgia could be extrapolated and</p> <p>3 applied to other states, we would need to do</p> <p>4 some type of analysis of whether those states</p> <p>5 were representative in relevant material</p> <p>6 respects, is that fair?</p> <p>7 A No, I don't agree with that.</p> <p>8 Q Why not?</p> <p>9 A States are similar enough. Washington and</p> <p>10 Texas and Georgia represent a pretty cross --</p> <p>11 good cross-section of states in the country.</p> <p>12 The results are roughly similar in those three</p> <p>13 areas. There's nothing about Ohio that's</p> <p>14 different in any relevant respect from those</p> <p>15 other states that I know of.</p> <p>16 Q But you haven't done that study; is that fair?</p> <p>17 MS. PARKER: Asked and answered.</p> <p>18 Objection.</p> <p>19 A I don't know what study you need exactly.</p> <p>20 It's not clear what study one would do.</p> <p>21 BY MS. RICHARDSON:</p> <p>22 Q Have you conducted any type of analysis of the</p> <p>23 number of areas in Ohio that would be</p> <p>24 considered to be rural?</p> <p>25 A No.</p>	<p>1 STANLEY K. HENSHAW, Ph.D.</p> <p>2 Q Have you done any type of study of the number</p> <p>3 of areas in Ohio that would be classified as</p> <p>4 urban?</p> <p>5 A No.</p> <p>6 Q Have you done a specific analysis of any of</p> <p>7 the demographic information related to Ohio?</p> <p>8 A No.</p> <p>9 Q So you don't know how any of these factors</p> <p>10 would compare or contrast to Texas, Washington</p> <p>11 or Georgia; is that fair?</p> <p>12 A No.</p> <p>13 Q Why not?</p> <p>14 A Because it's general knowledge the</p> <p>15 demographics of these various states are</p> <p>16 basically similar in many respects.</p> <p>17 The studies I quoted -- actually, if you</p> <p>18 are concerned about race and ethnicity, the</p> <p>19 studies, two or three of them, looked</p> <p>20 specifically at race and ethnicity, and found</p> <p>21 that the effects were characteristic of white</p> <p>22 women, non-Hispanic white women, Hispanic</p> <p>23 women, and black women.</p> <p>24 If Ohio differs in the racial</p> <p>25 distribution, that does not affect my</p>

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conclusions because we know that the distance has an effect on all racial groups and ethnicity. And Hispanics are actually more affected than whites and blacks.

So if Ohio has a higher or lower proportion of white women or black women or urban women, we know that from the other studies there is effect in urban areas as well as rural areas. So it wouldn't matter to my conclusions if it turned out Ohio is more urban or less urban than these other states. Then actually, it's probably not too different from the other states in those respects.

Q And you have indicated even in this expert report that income certainly has an impact; correct?

A Yes.

Q Have you done any type of study of the economic status or income of women in Ohio?

A The attorneys informed me that the patients served in Cincinnati, the Planned Parenthood in Cincinnati were predominantly of low income. That's all I know specifically about Ohio.

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Q So you didn't do any independent research or analysis to determine what percentage of women in any city in Ohio would be low income; is that fair?

A That's fair.

Q And you don't know how those numbers would specifically compare to the percentage of women who would qualify as low income in Georgia, Texas or Washington; is that fair?

A I haven't specifically investigated that.

Q And so, apart from -- I think you described it as common knowledge -- what you would consider to be common knowledge about Ohio as it compares to Washington, Georgia and Texas, you have no other basis for making comparisons between those states; correct?

A Well, I have my experience doing demographic studies, so I probably know more about the demographics of the various states than most people do, but I didn't do any specific investigation for this report.

Q And your previous demographics studies did not focus specifically on Ohio; correct?

A That is correct.

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Q I'd like to direct your attention to paragraph 21 of the report. Just let me know when you're ready.

A Yes.

Q In paragraph 21, you describe a study in North Carolina that analyzed the effect of a statute that took away funding that had previously been provided for abortion services in that state; is that fair?

A That's fair.

Q Do you know whether the law that's being challenged in this case reduces or impacts the funding provided specifically for abortion services?

A As far as I know, it would not affect public funding for abortion services.

Q You mentioned that you had done expert work in the past. What changes did you make in this case to the expert report that was submitted -- let me strike that.

Is the expert report that you submitted in this case substantively the same as the expert reports you have submitted in prior cases?

A Yes, with the addition of -- I think we

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referred to a study in Texas that was not available at the time of the earlier reports.

Q Aside from adding a reference to the study in Texas, did you make any other changes to your analysis or study in connection with the report that you submitted in this case?

A I went over -- I went over it and made some wording changes, minor wording changes. I can't tell you exactly what, but there were some changes from the earlier reports. Also, I think this report has a little less detail than some of the earlier reports that were done. And that was the decision of the attorneys.

Q Are the conclusions that you reached in this case the same as the conclusions that you reached in the prior cases in which you submitted similar reports?

A Yes, except as they apply to Ohio specifically. Otherwise, the conclusions were the same.

Q And so, when you say they apply to Ohio specifically, you changed the plaintiffs to PPGOH and PPSWO; correct?

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A Yes. There were other changes.

Q What other changes?

A Well, there are references to distances between cities in Ohio, where women would have to go if the Planned Parenthoods in Ohio stopped providing abortion services.

Q And you're referring to the representations we discussed earlier that were given to you from plaintiffs's counsel; correct?

A Correct.

Q And so, aside from adding in the representations that counsel provided to you and changing the names to the plaintiffs in this case, were there any other changes that you made to the expert report that you submitted in this case?

MS. PARKER: Mischaracterizes prior testimony. Objection.

A As I said, we added a reference and we have made some other minor -- other changes in the report. I couldn't specify exactly what.

BY MS. RICHARDSON:

Q And the minor changes, I believe, you said those would be sort of stylistic changes,

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would that be fair?

A I think so.

Q Were there any other substantive changes in your analysis in the expert report?

MS. PARKER: Objection. Asked and answered.

A Would you like me too answer it?

BY MS. RICHARDSON:

Q Yes, please go ahead and answer.

A No. No substantive changes to any conclusions. I would draw any of the general conclusions.

THE WITNESS: This says your Internet connection is unstable.

MS. PARKER: Yeah, I know. But I think it's okay. If we're freezing up, let us know.

Uh-oh. Did we freeze up?

(BRIEF DISCUSSION OFF THE RECORD)

BY MS. RICHARDSON:

Q Dr. Henshaw, in paragraph 34, you summarize your conclusions and you state in summary, "It is my opinion that the elimination of abortion services in PPGOH's and PPSWO's health centers would prevent a substantial proportion of

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women who would have obtained an abortion at those health centers from being able to obtain abortions, and would cause many of the women ultimately able to access an abortion provider to experience unwanted delay."

Did I read that correctly?

A That is correct.

Q And this conclusion is based on the assumption that PPGOH and PPSWO would stop providing abortion services; correct?

A Correct.

Q And obviously, if they continue to provide abortion services in the same manner that they do now, the various impacts that you have described would not occur; correct?

A That is correct.

MS. RICHARDSON: If we could take just a two-minute break, I think I actually may be finished.

MS. PARKER: Okay. Can we take a little longer than two minutes to make sure that we are okay on this end, too?

MS. RICHARDSON: Absolutely.

(RECESS, 10:19-10:46 A.M.)

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MS. RICHARDSON: Dr. Henshaw, I have no further questions at this time, depending on whether your counsel has any questions. Thank you very much. I appreciate your time today.

THE WITNESS: Well, thank you.

CROSS-EXAMINATION BY MS. PARKER:

Q I just have a couple of questions.

Dr. Henshaw, as an expert in reproductive epidemiology, why do you think it is appropriate to rely on studies from the three states, Texas, Washington and Georgia, to draw conclusions about Ohio?

A The basic issues we're looking at, which is distance and cost, affects everyone. It's not going to be different for women in Washington State or not that different for women in Ohio, because money matters to all of them. It's going to be a barrier. So in many ways, all parts of the country are fairly similar.

Q Do you believe that the availability of different forms of transportation in Ohio as compared to the three states you -- in the studies affects your opinion?

A I don't think the availability of

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 transportation is that different from one part  
 of the country to another part of the country  
 enough anyway to affect this at all. I mean,  
 as I say, any estimates are not exactly  
 accurate. You can't say, even from one year  
 to the next, that you would have exactly the  
 same effect of distance.

But in general, you can tell that there's  
 a large effect, whether it's 20 percent or 25  
 percent or -- there's going to be variability  
 depending on local conditions and chance. But  
 overall, there will be a substantial effect in  
 my opinion anywhere in the country.

Q A substantial effect of what?

A Of distance on abortion rates, on the ability  
 of women to terminate unwanted pregnancies.

Q Thank you. In the field of reproductive  
 epidemiology, what is the typical practice in  
 terms of relying on studies from a sample of  
 states or a group of states to draw  
 conclusions about other states?

A I would say that that is general practice. In  
 my cases, you would have studies in a  
 particular area that you then apply to other

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areas.

Q You said previously that you have submitted  
 expert testimony in Alabama and Wisconsin; is  
 that correct?

A That is correct.

Q And did you conduct specific studies in those  
 states in which you were accepted as an  
 expert?

A No.

MS. PARKER: Thank you. I don't have  
 anything further.

MS. RICHARDSON: No further questions.

(WITNESS EXCUSED)

(WHEREUPON, THE DEPOSITION WAS CONCLUDED AT 10:50 A.M.)

STANLEY K. HENSHAW, Ph.D.  
 STATE OF NORTH CAROLINA  
 COUNTY OF WAKE  
 CERTIFICATE

I, Sarah A. Bowers, a Notary Public in and  
 for the State of North Carolina duly commissioned  
 and authorized to administer oaths and to take and  
 certify depositions, do hereby certify that on  
 July 13, 2016, Stanley K. Henshaw, Ph.D., being by  
 me personally duly sworn to tell the truth,  
 thereupon testified as above set forth as found in  
 the preceding pages, this examination being  
 reported by me verbatim and then reduced to  
 typewritten form under my direct supervision; that  
 the foregoing is a true and correct transcript of  
 said proceedings to the best of my ability and  
 understanding; that I am not related to any of the  
 parties to this action; that I am not interested in  
 the outcome of this case; that I am not of counsel  
 nor in the employ of any of the parties to this  
 action.

IN WITNESS WHEREOF, I have hereto set my  
 hand, this the 19th day of July, 2016.

Sarah A. Bowers  
 Notary Public #

STANLEY K. HENSHAW, Ph.D.  
 IN THE UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN DISTRICT OF OHIO  
 WESTERN DIVISION

PLANNED PARENTHOOD OF ) Case No. 1:16-cv-539  
 GREATER OHIO, et al., )

) Judge  
 Plaintiffs, ) Michael R. Barrett

)  
 vs. )

RICHARD HODGES, et al., )  
 Defendants, )

DEPOSITION OF STANLEY K. HENSHAW, Ph.D.  
 CERTIFICATE OF DEPONENT

I, Stanley K. Henshaw, Ph.D., hereby certify  
 that I was first duly sworn prior to the  
 commencement of my deposition, which was given  
 before Sarah A. Bowers, on July 13, 2016, in  
 Raleigh, North Carolina, and that review,  
 examination and signing of the deposition was  
 reserved.

The foregoing constitutes a true and  
 accurate transcript of said deposition, and (CIRCLE  
 ONE):

(a) no changes are necessary, OR  
 (b) I desire that the changes attached  
 hereto on the errata sheet be incorporated into  
 said deposition.

STANLEY K. HENSHAW, Ph.D.

Witness, my hand and seal, on this, the  
 day of , 2016,

1 NAME OF CASE:  
 2 DATE OF DEPOSITION:  
 3 NAME OF WITNESS:  
 4 Reason Codes:  
 5 1. To clarify the record.  
 6 2. To conform to the facts.  
 7 3. To correct transcription errors.  
 8 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
 9 From \_\_\_\_\_ to \_\_\_\_\_  
 10 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
 11 From \_\_\_\_\_ to \_\_\_\_\_  
 12 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
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